

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ROBERT T. BROWNSON

Plaintiff

v.

FENWICK APARTMENTS JOINT
VENTURE

Defendant

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Civil Action No. _____

State Court Case No. 24-C-20-000410

NOTICE OF REMOVAL

COMES NOW, Defendant, Fenwick Apartments Joint Venture, LC, by and through its attorneys, James S. Liskow and DeCaro, Doran, Siciliano, Gallagher & DeBlasis, LLP, and pursuant to 28 U.S.C. § 1441(a) respectfully files the within Notice of Removal of the above-captioned matter to this Honorable Court from the Circuit Court for Baltimore City, Maryland, based on diversity of citizenship, and as grounds therefor, states as follows:

1. On or about January 22, 2020, Plaintiff, Robert Brownson, commenced the above captioned civil action by filing a Complaint in the Circuit Court for Baltimore City, Maryland against this Defendant. A true and correct copy of Plaintiff's Complaint is appended hereto as Exhibit 1. Service of process has never been attempted or perfected. Defendant has waived service of process and filed an Answer to the Complaint in the Circuit Court on the same date as it filed this Notice of Removal, a copy of which is appended hereto as Exhibit 2. This Notice of Removal is timely as it is being filed within 30 days of Defendant first learning of the Complaint naming it as a Defendant and within one year of the commencement of the action.

2. That this Honorable Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332, as there is complete diversity of citizenship. Fenwick Apartments Joint Venture, LC, is a

limited liability company registered in the State of Maryland. As an unincorporated association, citizenship for a limited liability company is determined by the citizenship of its members. The members of Fenwick Apartments Joint Venture, LC are:

- a. The RDR Family LLC, a limited liability company registered in the Commonwealth of Virginia. As an unincorporated association, citizenship for a limited liability company is determined by the citizenship of its members. Its members are:
 - i. SAROCKS Enterprises LLC, a limited liability company registered in the Commonwealth of Virginia. Its members are discussed below.
 - ii. NPHR Enterprises LLC, a limited liability company registered in the Commonwealth of Virginia. Its members are discussed below.
- b. The JWR Family LLC, a limited liability company registered in the Commonwealth of Virginia. As an unincorporated association, citizenship for a limited liability company is determined by the citizenship of its members. Its members are:
 - i. SAROCKS Enterprises LLC, a limited liability company registered in the Commonwealth of Virginia. Its members are discussed below.
 - ii. NPHR Enterprises LLC, a limited liability company registered in the Commonwealth of Virginia. Its members are discussed below.
- c. SAROCKS Enterprises LLC, a limited liability company registered in the Commonwealth of Virginia. As an unincorporated association, citizenship for a limited liability company is determined by the citizenship of its members. Its members are:
 - i. Samuel A. Rocks Revocable Trust, a Virginia Trust, Samuel A. Rocks, Trustee; Mr. Rocks is a citizen of McLean, Fairfax County, Commonwealth of Virginia;
 - ii. The Samantha C. Rocks MD Trust, a Maryland Trust, Samuel A. Rocks, Trustee;
 - iii. The Emma M. Rocks MD Trust, a Maryland Trust, Samuel A. Rocks, Trustee;
 - iv. The Hanna E. Rocks MD Trust; a Maryland Trust, Samuel A. Rocks, Trustee;
 - v. The Trevor A. Rocks MD Trust, a Maryland Trust, Samuel A. Rocks, Trustee;
 - vi. The Samantha C. Rocks 2016 Trust, under the Samuel A. Rocks 2016 Dynasty Gifting Trust, a Virginia Trust, Michael R. F. Rocks, Trustee; Mr. Rocks is a citizen of the District of Columbia;

- vii. The Emma M. Rocks 2016 Trust, under the Samuel A. Rocks 2016 Dynasty Gifting Trust, a Virginia Trust, Michael R. F. Rocks, Trustee;
- viii. The Hanna E. Rocks 2016 Trust, under Samuel A. Rocks 2016 Dynasty Gifting Trust, a Virginia Trust, Michael R. F. Rocks, Trustee;
- ix. The Trevor A. Rocks 2016 Trust, under Samuel A. Rocks 2016 Dynasty Gifting Trust, a Virginia Trust, Michael R. F. Rocks; Trustee;
- d. NPHR Enterprises LLC, a limited liability company registered in the Commonwealth of Virginia. As an unincorporated association, citizenship for a limited liability company is determined by the citizenship of its members. Its members are:
 - i. Nicholas P.H. Rocks Revocable Trust, a Virginia trust, Michael Rocks, Trustee;
 - ii. The Michael R.F. Rocks 2016 Trust, under The Nicholas P.H. Rocks 2016 Dynasty Gifting Trust, a Virginia Trust, Michael Rocks, Trustee;
 - iii. Michael R. F. Rocks, as Trustee of the Hilary G. Rocks 2016 Trust, under The Nicholas P.H. Rocks 2016 Dynasty Gifting Trust, a Virginia Trust, Michael Rocks, Trustee;
 - iv. The Michael R. F. Rocks Revocable Trust, a Virginia Trust, Nicholas P. H. Rocks and Michael R. F. Rocks, Trustees, Mr. Nicholas Rocks is a resident of McLean, Fairfax County, Commonwealth of Virginia;
 - v. The Hilary G. Rocks MD Trust, a Maryland Trust, Nicholas P.H. Rocks and Michael R. F. Rocks, Trustees.

Each of the aforementioned limited liability companies are comprised of members which are traditional donative and/or testamentary trusts or members which are limited liability companies whose members are traditional donative and/or testamentary trusts. All trustees are residents of the District of Columbia or Virginia. As such, complete diversity of citizenship exists. *See Americold Realty Trust v. ConAgra Foods, Inc.* 577 U.S. ___, 136 S. Ct. 1012, 1016; 194 L. Ed. 2d 71 (2016)(distinguishing between traditional trusts and business trusts and explaining that business trusts take on the citizenship of their members, whereas traditional trusts take on the citizenship of their trustees only)(“And when a trustee files a lawsuit or is sued in her own name, her citizenship is all that matters for diversity purposes. . . . For a traditional trust, therefore,

there is no need to determine its membership, as would be true if the trust, as an entity, were sued.); *GBForefront, L.P. v. Forefront Mgmt. Grp., LLC*, 888 F.3d 29 (3d Cir. 2018)(applying *Americold* to a traditional trust and concluding that diversity of citizenship is determined with reference to the citizenship of trustees, only).

3. That Plaintiff's Complaint seeks in excess of \$75,000.00, exclusive of interest and costs.

4. By reason of the foregoing, this matter may be removed to this Honorable Court pursuant to 28 U.S.C. § 1441.

5. A copy of a the Notice of Removal filed with the Clerk of the Circuit Court for Baltimore City, Maryland, is appended hereto as Exhibit 3.

1. This Notice of Removal will be served on Counsel for Plaintiff pursuant to 28 U.S.C. § 1441(d).

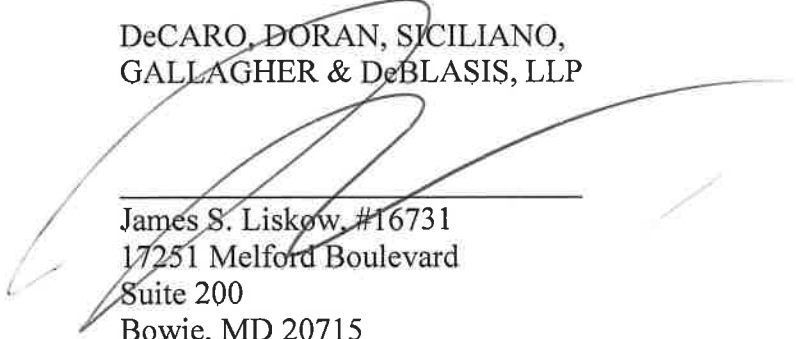
2. This Notice of Removal is filed within thirty (30) days of when federal diversity was first established, and within one (1) year of when the lawsuit was originally filed.

3. Defendant, through counsel, presents and files herewith a check in the amount of \$400.00 in payment of the filing fee, as required by law.

WHEREFORE, Defendant, Fenwick Apartments Joint Venture, LC, respectfully requests that this action be removed from the Circuit Court for Baltimore City, Maryland, to this Honorable Court.

Respectfully submitted,

DeCARO, DORAN, SICILIANO,
GALLAGHER & DeBLASIS, LLP



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of September, 2020, a copy of the foregoing Notice of Removal was e-filed and a courtesy copy was mailed, first-class, post-prepaid, to:

Samuel O. Cole, Esquire
LAW OFFICE OF DAVID ELLIN
154 Westminster Pike
Reisterstown, MD 21136



James S. Liskow, #16731